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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

DEC 10 1997  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Beehive Telephone Company, Inc.	)	CC Docket No. 97-237
Beehive Telephone, Inc. Nevada	)	
	)	Transmittal No. 6
Tariff F.C.C. No. 1	)	

OPPOSITION TO MOTION FOR EXTENSION OF TIME

Pursuant to Section 1.45(a) of the Commission's Rules, 47 C.F.R. § 1.45(a), AT&T Corp. ("AT&T") hereby opposes the motion filed by Beehive Telephone Company, Inc. ("Beehive") for a six day extension of its time to file its Direct Case in response to the Designation Order in this proceeding.<sup>1</sup>

It is settled law that the Commission does not routinely grant extensions of time.<sup>2</sup> The Commission has stated particularly that it will not grant an extension where the issue a party must address is not being revealed for the first time and where it is in the interest of the industry and the public to proceed to a final resolution

<sup>1</sup> Beehive Telephone Company, Inc., Beehive Telephone, Inc. Nevada, CC Docket No. 97-237, Trans. No. 6, DA 97-2537 (rel. Dec. 2, 1997) ("Designation Order"), Erratum, (rel. Dec. 8, 1997).

<sup>2</sup> Section 1.46(a), 47 C.F.R. § 1.46(a).

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of the matter.<sup>3</sup> Those principles are fully applicable here. Accordingly, Beehive has not shown good cause for granting the motion, and it should be denied.

The Designation Order requires Beehive to format and present cost data which it is required to routinely maintain and be prepared to submit "promptly" upon a reasonable request by the Commission.<sup>4</sup> Beehive has been on notice since August 5, 1997, when the Commission issued its order suspending Beehive's tariff for one day and instituting an investigation,<sup>5</sup> that Beehive's proposed increase to its local switching rate raised significant questions of lawfulness such that it would be required to justify the proposed increase based on its historical cost and demand data.<sup>6</sup> The subsequent Designation Order reaffirmed that Beehive's proposed local switching rate is the issue, and indeed, the only issue, for which Beehive must provide detailed cost data.

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<sup>3</sup> Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Order No. DA-97-2321, para. 4 (rel. Nov. 4, 1997).

<sup>4</sup> 47 C.F.R. § 61.39(b). See also Regulation of Small Telephone Companies, 2 FCC Rcd 3811, 3813 (1987).

<sup>5</sup> Beehive Telephone Company, Inc., Beehive Telephone, Inc. Nevada, CC Docket No. 97-237, Trans. No. 6, DA 97-1674 (rel. Aug. 5, 1997).

<sup>6</sup> Id. at para. 6.

The Designation Order requires data for calendar years 1994, 1995 and 1996, which Beehive should have marshaled previously to calculate its proposed rate and should now be ready to submit promptly to the Commission in the requested format. Beehive provides no substantive reason for its claim (Motion p. 4) that it will be "nearly impossible" to file its Direct Case on December 12 as required under the Commission's Designation Order and does not address why it does not have the cost data readily available to support a rate it proposed over four months ago.

Beehive's proposed six-day extension will also seriously prejudice the resolution of this proceeding. As the Motion acknowledges, the Commission is required to conclude this tariff investigation by January 6, 1998. The Commission has attempted to set a filing schedule that will allow it to comply with its statutory deadline to conclude the investigation.<sup>7</sup> For its part, AT&T has made arrangements with its subject matter experts to re-arrange their pre-holiday work schedules to review Beehive's Direct Case in accordance with the Commission's December 8, 1997 Erratum. The extension Beehive now requests will delay the development of a full record in

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<sup>7</sup> There is no basis for Beehive's claim (Motion p. 4) that the Commission has established fifteen days, or any other interval, as the "standard amount of time"

(footnote continued on following page)

this proceeding, including the filing of a response by AT&T and Beehive's subsequent reply, and threaten the Commission's ability to complete the investigation by the statutory deadline. Beehive's unsupported request will serve simply to jeopardize a timely resolution of this investigation and should be rejected.

Beehive's motion consists principally of a lengthy -- and ultimately irrelevant -- discussion of various discrepancies between the filing dates set forth at different points in the Designation Order, and in the Common Carrier Bureau's December 8 Erratum.

Significantly, Beehive does not deny that the discrepancies in the filing schedule were apparent to it on the face of the Designation Order, and could readily have been resolved through consultation with the Bureau staff. Instead, Beehive chose to apply its own construction of the Designation Order's filing schedule. In short, Beehive waited until the end of the business day on December 9, three days before the required due date, to file its request for an extension of time and based it solely upon an error in the Designation Order. It should not be permitted now to rely on its own misplaced unilateral construction and its failure to obtain

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(footnote continued from previous page)

for filings in response to an order designating issues in a tariff investigation.

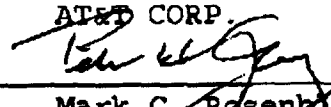
clarification of the pleading schedule as a basis for delaying the filing of its Direct Case -- especially where, as shown above, such a delay would seriously prejudice both AT&T and the public interest in a timely resolution of this tariff investigation.

WHEREFORE, for the reasons set forth above, the Commission should deny Beehive's motion for extension of time to file its Direct Case.

Respectfully submitted,

AT&T CORP.

By

  
Mark C. Rosenbaum  
Peter H. Jacoby  
Jodie Donovan-May

Its Attorneys

Room 3250J1  
295 N. Maple Avenue  
Basking Ridge, NJ 07920  
(908) 221-4243

December 10, 1997

CERTIFICATE OF SERVICE

I, Ann Marie Abrahamson, do hereby certify that on this 10th day of December, 1997, a copy of the foregoing "Opposition to Motion for Extension of Time" of AT&T Corp. was mailed by U.S. first class mail, postage prepaid, to the parties listed below.

Russell D. Lukas  
Pamela Gaary  
Lukas, McGowan, Nace & Gutierrez, Chtd.  
1111 Nineteenth St., NW, Suite 1200  
Washington, D.C. 20036  
Attorney for Beehive Telephone Co., Inc.  
and Beehive Telephone, Inc. Nevada

\*Jim Schlichting, Director  
Competitive Pricing Division  
Federal Communications Commission  
1919 M Street, N.W., Room 544  
Washington, D.C. 20554

\*Judith A. Nitsche  
Competitive Pricing Review Branch  
Federal Communications Commission  
1919 M Street, NW, Room 544  
Washington, D.C. 20554

  
Ann Marie Abrahamson

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\*Service by hand delivery.